DOCUMENT RESUME

ED 396 634 HE 029 264

TITLE	A Study of State University Student Issues: Due Process and the Rights of Students, Health Services & Insurance, and Grade Appeal Policies. An Interim Project of the Committee on Higher Education.
INSTITUTION	Florida State House of Representatives, Tallahassee.
REPORT NO	RR-96-03
PUB DATE	8 Jan 96
NOTE	39p.
PUB TYPE	Reports - Evaluative/Feasibility (142) -- Tests/Evaluation Instruments (160)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	College Faculty; College Students; *Due Process; *Grades (Scholastic); *Health Insurance; Hearings; Higher Education; Questionnaires; *School Health Services; State Universities; Student Attitudes; *Student College Relationship; *Student Rights; Surveys
IDENTIFIERS	Florida; *Grade Appeal Hearings

ABSTRACT

This study examined issues concerning due process and the rights of Florida state university students, health insurance and services, and grade appeal policies. Questionnaires were sent to 3,250 Florida university students and members of the Florida Student Association. Analysis of the 502 returned surveys indicated that: (1) while most students did not report experiencing a violation of their rights, those who had participated in any type of proceeding obtained a favorable ruling and held a positive view of officials' professionalism; (2) although most students were insured through their parents' insurance policies, more became uninsured as they progressed through college, and those who used the student health center believed their fee was reasonable; (3) although few students appealed grades, most were aware of the appeal process and considered it fairly administered. The document contains 17 tables detailing survey results. Among 10 proposed policy recommendations are the following: establish consistent judiciary proceedings for student cases; require students to make and retain a complete record of any hearings; adopt a common policy on grade forgiveness and withdrawals; and limit students to two attempts per course to improve a grade. Appendices include the questionnaire, sample letters, a sample Code of Conduct, state regulations, and recommendations concerning course withdrawal and forgiveness. (Contains 10 references.) (CK)

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January 8, 1996

Research Report 96-03

Legislative Catalog Number: HE-002.0196

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A Study of State University Student Issues: Due Process and the Rights of Students, Health Services & Insurance, and Grade Appeal Policies

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- Student Questionnaire
- Sample Letter: Vice President of Academic Affairs
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- Postsecondary Planning Commission
  - Recommendations from January 1, 1996 report:
  - Course Withdrawal and Forgiveness Policies

A Study of State University Student Issues: Due Process and the Rights of Students, Health Services and Insurance, and Grade Appeal Policies

An Interim Project of the Committee on Higher Education

Executive Summary

Faced with the ongoing challenge of implementing fair, creative, and economically sound policy which serves the best interest of students, state universities must address numerous issues. This study examined issues which concern due process and the rights of students, health insurance and services and grade appeal policies.

Summary of Findings

Due Process:

> The majority of students in Florida state universities do not consider that their rights have been violated.

> Almost all the students affected by a proceeding felt that the proceeding was not handled appropriately or that their rights were protected.

> Approximately, one fourth of the proceedings resulted in favor of the responding student.

Health Services & Insurance

> Most of the insured students were insured through their parents insurance policies.

> As students progressed through grade levels they became increasingly underinsured.

Grade Appeal & Forgiveness Policies

> Students were generally aware of the grade appeal process at their university.

> There is no uniform method of handling grade appeals at universities or community colleges.

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Summary of Policy Recommendations

Proposed policy recommendations were developed as a result of findings from this study, a study by the Postsecondary Planning Commission, and input from students and administrators.

Due Process & Student Rights

> Establish consistent judiciary proceedings for graduate and undergraduate student cases.

> Provide students with the opportunity to choose between a public or private hearing to insure maximum fairness.

> Provide students with the opportunity to have witnesses, legal representation, lists of witnesses, and a copy of any statements of complaint or affidavits which the university intends to submit.

> Require all students to sign an honor code.

> Protect the right of the student to remain silent to avoid self incrimination.

> Require universities to make and retain a complete record of the hearings.

Grade Appeal and Forgiveness Policies

> Adopt a common policy on grade forgiveness and withdrawals.

> Discontinue recalculating the grade point average for students transferring with the associate in arts degree for purposes of admission to either a university or a program of study.

> Limit students to two attempts per course to improve a grade, provided the grades previously earned were lower than a "C".

> Set withdrawal deadlines no later than midterm, ensuring that exceptions to the three attempts allowed in college preparatory courses as stated in 6A-10.31, FAC, through the utilization of course withdrawal policies should only be allowed in extreme circumstances.

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Introduction

In the 1960's the legal status of students in postsecondary institutions started a dramatic evolution. They became known under the federal Constitution as "persons" with their own enforceable constitutional rights. Several amendments now protect student academic and due process rights at the federal and state levels of government. In 1979, the Florida Board of Regents was established

> "in the public interest to provide a system of higher education which is of the highest possible quality; which enables students of all ages, backgrounds, and levels of income to participate in the search for knowledge and individual development."

The mission of the state university system is "to develop human resources." As each institution directs their energies to achieve this mission, the major recipients of these efforts are students. Universities have a vested interest in ensuring that students are adequately served in all aspects of their higher education experiences. In doing so, it is a civil right that students are afforded a forum in which to express themselves on issues of concern. It is the responsibility of the university, the Board of Regents, the Legislature, the judicial system, governor and cabinet to insure these rights.

Universities are challenged with being responsive when it comes to establishing and implementing policies and practices which impact students. Today's university student is vocal, informed, and anxious to be involved in issues which relate to their student status. As a result of student involvement, several issues surfaced during the 1995 Legislative Session. An interim study by the House Committee on Higher Education took a three-part approach to issues of concern to Florida university students.

The issues examined in this study pertain to due process and the rights of students, grade appeal and forgiveness policies and practices, and student health services and insurance. These issues are not unique to Florida. Universities across the country have at some time been faced with these types of issues and are also faced with the ongoing struggle to creatively and economically address them. As consumers, students must be assured that they are involved in decisions which affect them and that they are being fairly treated in all areas of their college life.

Review of the Literature

Due Process

Devices for creating dispute-resolution systems may include honor codes or codes of academic ethics; codes of student conduct; bills of rights, or rights and responsibilities, for students or for the entire academic community. The use of various legislative bodies, such as a student or university senate; a formal judiciary system for resolving disputes concerning students; and the establishment of grievance mechanisms for students, such as an ombudsman system or a grievance committee are also dispute resolution strategies.

In a milestone decision of the First Circuit Court handed down in Dixon v. Alabama State Board of Education (1961), the president of Alabama State College had placed twenty students on probation and expelled nine others after a series of off-campus demonstrations against state segregation laws. Six of the nine expelled students brought suit. A federal district judge upheld the college's action; however, two of the three appellate judges were not satisfied that the president had acted correctly. According to the two judges, state officials should have explained the grounds for expulsion and provided the accused students an opportunity to present evidence before making a decision about their conduct. Gathering several different accounts of events proved necessary in expulsion cases. Similar judicial decisions such as Dixon (1961) contain three basic assumptions: (1) that a student may be wrongly accused of misconduct, (2) that an administrator may make a hasty and inaccurate judgment on the merits of a complaint, and (3) that an adversarial hearing will help determine the truth about the conduct of the accused. These presumptions seem to suggest a certain level of mistrust on the part of judges in regard to college officials, therefore student cases which enter the judiciary system may find more favorable judgments than in university hearings.

Prior to the 1980's, student issues before the courts primarily concerned disciplinary matters. Today, it is quite common for academic judgments and decisions to be questioned in courts of law. The most recent court decisions exhibit a growing judicial sensitivity toward the recognition of student rights in academic affairs. Universities have become very conscious of the obligations which might be created by unequivocal statements in recruiting brochures, catalogs, and other publications. Although the courts recognize that colleges and universities have a substantial amount of discretion, institutions have to be careful not to abuse that discretion. In exerting this discretion, the institution must take care to protect the student's due process rights. For example, if an institution delays campus proceedings, and subsequently uses a conviction in

criminal proceedings as the basis for its campus action against a student, that student's due process rights may be violated. A criminal conviction does not automatically provide the basis for the suspension of the student.

Legislation, judicial decisions, and federal regulations have more narrowly specified the issues that university policies must address and have also encouraged the development of more formal enforcement and evaluation procedures. For example, the interpretation of in loco parentis (the institution's right of exclusive authority over students) has been challenged and eliminated. Students today have begun to seek redress for their grievances in the courts.

Student Health Insurance and Health Centers Services

Although student health insurance and health centers are not often a high priority at colleges and universities, this issue persists as a continuous challenge for student affairs administrators. Student health centers often have a negative reputation of providing something less than quality care, however due to convenience, the campus student health center is the first best source for immediate health care. The major problem is limited funding. When cuts have to be made, student services are targeted before administration, faculty, or academic programs. Trying to keep tuition and fee increases low, institutions are not particularly prepared to allocate money for health services when decisions have to be made regarding books and salaries. Even with the constraints of budgets, doctors and nurses maintain that the centers provide solid health care for its clientele.

Grade Appeal and Forgiveness Policies

Although limited research has been conducted on grade appeal and forgiveness policies, student affairs administrators, faculty, department heads, and academic deans are often perplexed when handling disputed grades with students.

In 1989, the Postsecondary Education Planning Commission reviewed the withdrawal/forgiveness and grading policies of universities and community colleges. Although a wide variation of policies by institution were identified, few changes resulted from this review.

The Postsecondary Education Planning Commission, in cooperation with the State Board of Community Colleges and the Board of Regents, was directed in proviso language in the 1995 General Appropriations Act to:

"submit to the President of the Senate and the Speaker of the House recommendations on the feasibility of standardizing forgiveness, withdrawals, incomplete and other grading policies which impact articulation, the transfer of credit, and credit-hours-to-degree. The recommendations should be submitted to the President of the Senate and the Speaker of the House no later than January 1, 1996."

A report entitled: **Course Withdrawal and Forgiveness Policies** was released by the Postsecondary Education Planning Commission on January 1, 1996. The recommendations from that report are listed in the appendix.

The due process clause of the Fourteenth Amendment applies to students facing suspension or dismissal from publicly supported schools for deficient academic performance. Even though academic dismissals may be more damaging to students than disciplinary dismissals, due process affords substantially less protection to students in academic dismissals. The Buckley Amendment (The Family Education Rights and Privacy Act of 1974) also protects the academic rights of students.

Courts reviewing student challenges to university conduct cases go to great lengths to distinguish between disciplinary and academic actions. Disciplinary dismissals involve questions of fact, and academic decisions concern subjective grading decisions which are less factually based than disciplinary decisions. Courts fear that judicial intervention will jeopardize professional autonomy and scholarly integrity. The courts basically attempt to afford students protection from arbitrary or bad-faith disciplinary dismissals.

The courts have historically refrained from interfering with the authority vested in school officials to drop a student from the rolls for failure to attain or maintain prescribed scholastic rating because courts are not equipped to review academic records based upon academic standards. Courts often defer to academia when the evaluation of academic work is the issue, believing that such evaluation resides in the expertise of the faculty.

Whether academic or disciplinary, when terms and conditions are clearly spelled out in policies offered in a catalog or other publication of the institution at the time of enrollment, the principles of contract law apply. Such a contract is then judged to be binding on both the student and the institution.

Methodology

During the summer of 1995, 3250 questionnaires were sent by staff of the House Committee on Higher Education to a sample of Florida university students and members of the Florida Student Association. Table 1 identifies the survey response rate by university. The surveys were sent to each university's Vice President of Student Affairs. These offices were responsible for the distribution, collection, and return of the completed surveys to the House committee office. The questionnaire surveyed student opinion relating to current due process policies and student rights, health care insurance and services, and grade appeal practices.

Note:
Responses from the University of South Florida were not received in time to be a part of this study, and Florida Gulf Coast University is in the early developmental stages of student enrollment. No responses were returned from Florida International University.

Purpose and Objectives
The purpose of the study is to evaluate whether students perceived that the judicial proceedings at each university satisfy the due process requirement.

The objectives of the study were to: (1) determine the judicial proceedings for students at each university; and (2) analyze the method of handling student disciplinary cases.

Tables 2 through 7 summarize the major findings which pertain to the due process rights of students.

TABLE 1
SURVEY RESPONSE RATES

University/ Association	# of surveys sent	# of surveys received
Florida State	500	151
Central Florida	300	99
Florida A&M	300	79
West Florida	300	73
Florida	500	42
Florida Atlantic	300	36
Florida International	300	0
South Florida	300	0
Gulf Coast	150	0
FL Student Association	30	30
TOTALS	3,250	502

*15.4% response rate

Due Process and the Rights of Students

In January 1985, a provision was added to the Administrative Procedures Act that exempted students in the state university system from the right to a substantial hearing under section 120.57, *Florida Statutes*. Instead, the Board of Regents established rules which allow each university to adopt "a uniform code of appropriate penalties for violations of rules by students and employees, to be administered by the president of each university." These penalties, unless precluded by law, may include fines, the imposition of probation, suspension, or dismissal (Section 240.261, *Florida Statutes).* There tends to be little consistency among state universities when faced with the same disciplinary problem.

Question 1. *Do you feel that your student rights have ever been violated by university authorities*?

A majority of student respondents (355), considered that their rights had not been violated by university authorities.

Seventy-two seniors considered their rights to have been violated; however, the majority of seniors were satisfied that their rights had not been violated. In comparison, only 9 freshmen responded the same

TABLE 2

By University	# of "yes" responses	# of "no" responses	Total # of responses
FAU	19	17	36
FAMU	28	48	79
FSU	46	102	151
UWF	15	58	73
UCF	20	75	99
UF	7	34	42
UNF	1	21	22
TOTAL	136	355	502

Note: FGCU, FIU, & UCF had no responses

By Grade Level	# of "Yes" responses	# of "No" responses
Freshman	9	67
Sophomore	16	46
Junior	21	87
Senior	72	105
Master's Level	12	35
Doctoral Level	1	6
Others, e.g., professional	1	1
Unknown	4	
TOTAL	502	

*Nine blank responses

Question 2. *Have you ever been involved in any university proceedings concerned with your student rights?*

Of the 136 students who responded that their rights had been violated, only 15 had experienced some type of judicial proceedings.

TABLE 3

Proceedings/ Allegations	Number of Students	Percentage
Would rather not talk about it	2	13.3%
sexual harassment by a teaching assistant	1	6.7%
parking appeal or violation	4	40.0%
other; i.e., student court	8	53.3%
TOTAL	15	100%

Question 4. *In your opinion were the proceedings handled appropriately?*

Fourteen students expressed the opinion that proceedings had not been handled appropriately.

TABLE 4

Response	# of students
Yes	1
No	14
Total	15

Question 5. *What was the final ruling in your proceedings?*

TABLE 5

Response	# of students
Favorable to student	7
Probation	3
Other	17
Suspension	0
Dismissal	0
TOTAL	27

Question 7. *In your opinion were your rights protected?*

Only 12 of the 136 students who expressed some violation of their rights considered that their rights had not been protected.

TABLE 6

Response	# of students
Yes	3
No	12
TOTAL	15

Question 8. *How would you rate the level of professionalism exhibited by the university officials who were involved in your proceedings?*

TABLE 7

Response	# of students	% of students
Highly Professional	4	26.7%
Somewhat Professional	0	0
Somewhat Unprofessional	0	0
Very Unprofessional	1	6.7%
No opinion	10	66.7%
TOTAL	15	100%

Student Health Services and Insurance

This section of the study addresses concerns regarding student health centers and insurance and the extent to which these services adequately serve students. Most student health centers provide urgent care, gynecological/urinary tract care, counseling, routine primary care, family planning counseling, and other services. Students requiring specialized care are referred to community physicians or community medical service providers. The typical practice at most centers is not to charge for the services of the attending clinician, while charging for the lab or radiologic tests, medications, and supplies. However, if a routine physical is conducted as a result of a complaint by a student, that student is not charged. The student is usually charged if the physical is a prerequisite for employment or participation in recreational programs.

At the University of Florida, a Student Government Insurance Committee meets annually to determine what health insurance will be available to students. The committee is composed of the Director and Associate Director of the student health center, representatives from the university Divisions of Purchasing and Contracts and Personnel Services, and several students, including the Student Government President, Health Cabinet Chair and Insurance Committee Chair. At Florida State University, Florida International University, Florida Atlantic University, the University of North Florida and the University of Central Florida, a committee comprised of staff, faculty, and students determine the type of insurance products that will be available to students. At the University of South Florida, Student Government is responsible for all decisions related to student health insurance.

Although enrollment is still optional, all ten universities sponsor plans that are available to students, spouses, and dependents. However, only seven percent of all university students enroll in campus health insurance plans. There are separate insurance plans available for domestic and international students. International students are less likely to have any type of health insurance.

Purpose and Objectives

This section of the study was to solicit students' opinions regarding the health care provided by each university health care center. The objectives of the study were:

1. to determine to the extent to which students have health insurance;

2. to determine the benefits, coverage, and fees of the student health plan at each university;

3. to determine whether there was uniform health insurance at each state university; and

4. to determine the student usage of the campus health centers.

Tables 8 through 10 summarize the major findings which pertain to student health insurance and services.

Question 10. *Do you currently have health insurance?*

Seventy-seven percent of students were insured. There was no response from 12 students.

TABLE 8

Parent Policy	University Health Plan	Spouse Health Plan	Employer Health Plan	Other
302	29	9	17	34

Other: Emergency room visits; international students

Most of the students were insured by their parents' insurance policies, with the numbers declining steadily as they advanced by year of study.

Undergraduates were better insured than graduate students.

TABLE 9
Insured Students by Year of Study

Class	# of students	% of students
Freshman	65	85.5%
Sophomore	112	87.1%
Junior	181	73.2%
Senior	48	79.0%
Master's	7	56.3%
Doctoral	2	57.1%
Other	0	0%
TOTAL	406	100%

Question 15. *Have you ever used the university center for health care services?*

Sixty-two percent of all students responded that they have used their student health center.

Forty-three percent were charged a fee and nearly 77% considered the fee to have been reasonable.

TABLE 10

University	Number of Students
FSU	97
UCF	63
UWF	53
FAMU	34
UF	27
FAU	19
UNF	17
TOTAL	310

Grade Appeal

The grade appeal process at universities is considered a long and complex process. Students often elect not to appeal a grade because the process of grade appeal is difficult. The purpose of the grade appeal system is to afford students the opportunity to appeal any grade the student considers to have been inequitably awarded. It is an obligation of instructors to inform students of the grading standards at the beginning of a course.

All the universities have some method of appealing a grade. To appeal a grade, a student typically must first approach the professor who awarded the grade in dispute and discuss that grade in an attempt to resolve any differences. If the student is still dissatisfied, the student may, after filing a written statement with the program or department chair explaining the basis of the appeal, appear before a board composed of students nominated by the program or department. A negative decision by the board generally ends the appeal at the institution level.

Grade Forgiveness

Although not a part of the survey, grade forgiveness policies often impact grade appeals. There tends to be a relationship between grade appeals and the type of forgiveness policies of an institution. At universities with the more restrictive grade forgiveness policies, students tend to appeal more grades. Grade forgiveness policies vary across the state university system, with some limiting the number of grades per course or the number of courses to be forgiven. These policies allow a student to substitute the grade earned in a course for a new grade earned in that same course. In these cases the GPA of a student is usually calculated upon the last grade received. The number of times a student may use the policy ranges from once at the University of West Florida to no stated limit at Florida A & M University. Four state universities allow students to be forgiven any grade. Two permit forgiveness of a D or F grade. Some allow a C to be forgiven. The University of Florida allows a student to retake a course but in most cases all grades earned in previous attempts are averaged to produce a cumulative grade point average. Florida State University allows the student to repeat two courses in which a grade of D or F were received.

As pressure for admission to limited access programs increased, student usage of forgiveness policies to improve grade point averages may also have increased. The wide variation in grading policies among the universities may influence how earned credit hours are calculated. This could also have an impact on the ease with which students transfer from community colleges to state universities and how quickly students graduate. According to a report by the Postsecondary Education Planning Commission (January 1, 1996), none of the twenty-eight community colleges have a stated limit on

the number of times a student can apply the forgiveness policy. Thirteen institutions will forgive any grade, while the remainder specify the highest grade which can be forgiven, ranging from "B" to "D". The liberal forgiveness policies at community colleges may enhance the ability of students to gain admission into university limited access programs. As a result, community college students have additional opportunities to improve their grade point averages and transfer into a university where other students have been in residence for two years.

According to a study by the Postsecondary Education Planning Commission, each institution has a period at the beginning of each term known as the "drop/add" period which provides an opportunity for students to freely adjust their schedules as necessary. Withdrawals beyond this period are governed by the policies which vary greatly by institution. Course withdrawal policies allow students to withdraw from a course, by a specified date during the semester, with no consequences. These policies exist at all community colleges and state universities.

Purpose and Objectives

The purpose of examining this issue was to determine the variance in policies within the state university system regarding grade appeals and determine the extent to which these policies are effective. The objectives of this section of the overall study were:

1. to determine the current process of addressing grade appeals at each institution;

2. to determine if uniform methods of handling grade appeals exist; and,

3. to determine the extent to which the grade appeals process is problematic for students.

Tables 11 through 18 summarize the major findings which pertain to grade appeals.

Question 16. *Are you aware that your university has a process of appealing any grade you receive?*

TABLE 11

Response	# of students	% of students
Yes	310	61.7%
No	186	37%
No response	6	1.1%
TOTAL	502	100%

Question 17. *How were you informed of your rights?*

Almost 74% of students were informed of the grade appeal process in a manner other than in writing.

Twenty-three percent of students learned of the grade appeal process from a university document.

TABLE 12

How informed	# of students	% of students
Word of mouth	198	63.9%
University advertisement	10	3.2%
University document/appeals process described	64	20.6%
Other	31	10%
No response	7	2.3%
TOTAL	310	100%

Question 18. *Have you ever filed a grade appeal with university authorities*?

Few students had filed a grade appeal. Of the 335 students who responded, only 31 had filed a grade appeal.

TABLE 13

Number of "Yes" responses	31
Number of "No" responses	302
No response	316

Question 19. *How long did it take to schedule a grade appeal?*

TABLE 14

Under 10 days	3
10-14 days	5
15-21 days	3
22+ days	4

Question 20. *What was the final ruling in your appeal?*

TABLE 15

Grade Changed	14	45.2%
Grade Unchanged	4	12.9%
No response	3	9.7%
Other	10	32.2%
TOTAL	31	100%

Question 22. *In your opinion, was the appeal process fairly administered?*

TABLE 16

Yes	23	74.2%
No	8	25.8%
TOTAL	31	100%

Question 24. *Overall, what best describes your experience with the grade appeals process?*

TABLE 17

Experience	# of students	% of students
Very satisfactory	10	32.2%
Somewhat satisfactory	5	16.1%
Somewhat unsatisfactory	4	12.9%
Very unsatisfactory	4	12.9%
No response	8	25.8%

FINDINGS

Due Process and Student Rights

> An overwhelming majority of students responded that they did not consider that their rights had been violated.

> As students progressed through each year of study, more responded that their rights had been violated.

> The type of proceedings/allegations varied by institution.

> Few students had been involved in any type of proceeding.

> Most of the final rulings in proceedings were decided in favor of the student.

> University officials were viewed as exhibiting a high level of professionalism.

Student Health Services and Insurance

> Most students were insured.

> Most of the insured students were covered through their parents' policies.

> Very few students were insured through the universities' health plan.

> As students progressed through the years of study, they became increasingly uninsured.

> There are no uniform health insurance or health services provided at campus health centers.

> Few students used the student health center; however, those who did believed they were charged a reasonable fee.

Grade Appeal and Forgiveness Policies

> There is no uniform method of handling grade appeals in the state university system or the division of community colleges.

> Most students were aware of the grade appeal process at their university.

> Students considered the grade appeal process fairly administered.

> The final grade appeal rulings were often in the student's favor.

> Grade forgiveness practices generally favor transferring students.

> Few students appealed grades.

POLICY RECOMMENDATIONS

Due Process and Student Rights

> Publish the final source of resolutions of judiciary cases in the Student Handbook and catalog.

> Establish consistent judiciary proceedings for graduate and undergraduate student cases.

> Provide students with the opportunity to choose between a public or private hearing to insure maximum fairness.

> Provide students with the opportunity to have witnesses, legal representation, lists of witnesses, and a copy of any statements of complaint or affidavits which the university intends to submit.

> Insure the students' right to remain silent to avoid self-incrimination.

> Require all students to sign an honor code.

> Require universities to make and retain a complete record of hearings.

Student Health Insurances and Services

> The findings of this study do not require any recommendations for legislative consideration regarding student health insurance and services.

Grade Appeal and Forgiveness Policies

> Adopt a common policy on grade forgiveness and withdrawals.

> Discontinue recalculating the grade point average for students transferring with the associate in arts degree for purposes of admission to either a university or a program of study.

> Limit students to two attempts per course to improve a grade, provided the grades previously earned were lower than a "C".

> Set withdrawal deadlines no later than midterm, ensuring that exceptions to the three attempts allowed in college preparatory courses as stated in 6A-10.315, FAC, through the utilization of course withdrawal policies should only be allowed in extreme circumstances.

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Svingen, K. (1995). If at first they don't succeed, we still pay. Tallahassee Democrat, September 24.

APPENDICES

Student Questionnaire

Sample Letter: Vice President of Academic Affairs

Sample Letter: Institutional Policies, Florida State University

Sample: Code of Conduct, University of Florida

Florida Administrative Code: Department of Education (Students), V.3, pp. 657-658

Postsecondary Planning Commission Recommendations from January 1, 1996 report:
Course Withdrawal and Forgiveness Policies

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Student Survey
on
I. Student Rights/ Due Process
II. Health Insurance
III. Grade Appeals

Committee on Higher Education
208 House Office Building
Tallahassee, Florida 32399-1300

Return:
Campus Mail

Florida House of Representatives
Committee on Higher Education
208 House Office Building
Tallahassee, Florida 32399-1300

Return to:
Vice President for Student Affairs
Campus Mail

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Student Rights/Due Process

The House of Representatives is concerned with issues that affect university student life. This upcoming legislative session shall address issues involving student rights/due process, student health insurance, and the grading appeals process. The Legislature wants to know about your opinions and experiences in the three areas described above. Your input may affect future student life on your campus. Would you take a few moments to respond to the questionnaire? You may return this questionnaire through CAMPUS MAIL or by returning it to your Student Government Office at

_____.

Please respond by September 15, 1995.

PART I: STUDENT RIGHTS/DUE PROCESS

The following questions are concerned with student rights such as disciplinary actions at your university.

Q-1 Do you feel that your student rights have ever been violated by university authorities? (Please circle response.)

1 YES
2 NO

Q-2 Have you every been involved in any university judicial proceeding concerned with your student rights? (Please circle response.)

1 YES
2 NO → If NO, please skip Q-3 through Q-9 and go to PART II.

Q-3 Please briefly describe the allegations/ situation concerned in the space below.

_____

_____

Q-4 In your opinion, were the proceedings handled appropriately? (Please circle response.)

1 YES
2 NO

Q-5 What was the final ruling in your proceedings? (Please circle response.)

1 IN MY FAVOR - NO DISCIPLINARY ACTION → If "IN MY FAVOR," please skip Q-6 and go to Q-7.
2 DISMISSAL
3 SUSPENSION
4 PROBATION
5 OTHER:_____
(Please specify.)

Q-6 For how long was the discipline effective?

_____

Q-7 In your opinion, were your rights protected? (Please circle response.)

1 YES
2 NO

Q-8 How would you rate the level of professionalism exhibited by the university officials who were involved in your proceedings? (Please circle response.)

1 HIGHLY PROFESSIONAL
2 SOMEWHAT PROFESSIONAL
3 SOMEWHAT UNPROFESSIONAL
4 VERY UNPROFESSIONAL
5 NO OPINION

Q-9 Did you have legal representation? (Please circle response.)

1 YES
2 NO

PART II: HEALTH CARE SERVICES

The following questions relate to your current health care.

Q-10 Do you currently have health insurance? (Please circle response.)

1 YES
2 NO → If NO, please skip Q-11 through Q-13 and go to Q-14.

Q-11 How are you insured? (Please circle response.)

1 PARENTS' INSURANCE POLICY
2 UNIVERSITY STUDENT HEALTH PLAN
3 SPOUSE'S HEALTH PLAN
4 EMPLOYER'S HEALTH PLAN
5 OTHER:_____
(Please specify.)

Q-12 What is the monthly cost of your health plan?

$_____ PER MONTH

Q-13 Please indicate which benefits are covered under your health insurance plan.

_____

_____

_____

_____

Q-14 Which providers of health care services do you visit? (Please circle all that apply.)

1 UNIVERSITY HEALTH CENTER
2 PRIVATE PHYSICIAN
3 HEALTH CLINIC (SUCH AS "PATIENTS FIRST")
4 EMERGENCY ROOM
5 OTHER: _____
(Please specify.)

Q-15 Have you ever used the university health center for health care services? (Please circle response.)

1 YES
2 NO → If NO, please go to PART III.

If YES, were you charged any fees? (Please circle response.)

1 YES
2 NO

If YES, how much did they charge you?

$_____

In your opinion, was this a reasonable fee? (Please circle response.)

1 YES
2 NO

PART III: GRADING

We would like to know about your knowledge and experiences concerning the university grade appeals process.

Q-16 Are you aware that your university has a process for appealing any grade you receive? (Please circle response.)

1 YES
2 NO → If NO, please skip Q-17 through Q-24 and go to Q-25.

Q-17 How did you become informed of your rights? (Please circle response.)

1 WORD-OF-MOUTH
2 UNIVERSITY ADVERTISEMENT
3 UNIVERSITY DOCUMENT WITH APPEALS PROCESS DESCRIBED
4 OTHER:_____

Q-18 Have you ever filed an appeal with the university authorities? (Please circle response.)

1 YES
2 NO

Q-19 How long did it take to schedule a hearing?

_____

Q-20 What was the final ruling in the appeal? (Please circle response.)

1 GRADE CHANGED
2 GRADE STAYED THE SAME
3 OTHER: _____
(Please specify.)

Q-21 How long did it take to receive notice of the final ruling? (Please circle response.)

1 IMMEDIATELY AFTER HEARING
2 1 - 3 DAYS
3 4 - 10 DAYS
4 MORE THAN 10 DAYS

Q-22 In your opinion, was the appeals process fairly administered? (Please circle response.)

1 YES → If YES, please skip Q-23 and go to Q-24.
2 NO

Q-23 If NO, please explain.

_____

_____

_____

_____

Q-24 Overall, what phrase best describes your experience with the appeals process? (Please circle response.)

1 VERY SATISFACTORY
2 SOMEWHAT SATISFACTORY
3 SOMEWHAT UNSATISFACTORY
4 VERY UNSATISFACTORY

Finally, we would like to ask you about yourself.

Q-25 What is your current grade level? (Please circle response.)

1 FRESHMAN
2 SOPHOMORE
3 JUNIOR
4 SENIOR
5 MASTER'S LEVEL
6 DOCTORAL LEVEL
7 OTHER _____

Q-26 What university are you currently attending? (Please circle response.)

1 FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY
2 FLORIDA ATLANTIC UNIVERSITY
3 FLORIDA GULF COAST UNIVERSITY
4 FLORIDA INTERNATIONAL UNIVERSI
5 FLORIDA STATE UNIVERSITY
6 UNIVERSITY OF CENTRAL FLORIDA
7 UNIVERSITY OF FLORIDA
8 UNIVERSITY OF NORTH FLORIDA
9 UNIVERSITY OF SOUTH FLORIDA
10 UNIVERSITY OF WEST FLORIDA

Q-27 Please use the space below to make any comments concerning student life on your campus.

_____

_____

Florida House of Representatives

PETER RUDY WALLACE, SPEAKER OF THE HOUSE

COMMITTEE ON HIGHER EDUCATION

DEBBIE WASSERMAN SCHULTZ
CHAIR

August 16, 1995

GREG GAY
VICE CHAIR

Dr. Kenneth L. Curtis
Vice President of Student Affairs
University of West Florida
11000 University Parkway
Pensacola, FL 32514-5750

Dear Dr. Curtis:

The Board of Regents in cooperation with the House Committee on Higher Education has agreed to assist the committee in conducting an investigative survey concerning issues that affect university student life.

Survey forms will be sent to you on or before August 21, 1995. Please provide your students with a central survey dissemination and collection point. To facilitate a timely analysis of the survey results, please return the completed forms on a weekly basis to the following address:

Florida House of Representatives
Committee on Higher Education
Room 208, House Office Building
Tallahassee, Florida 32399-1300

The survey consists of three components: (1) student rights & judicial proceedings; (2) student health issues; and (3) grade appeals. The instructions to the students express the Legislature's desire to know about their opinions and experiences in these three areas.

If you have any questions or need additional information or instruction, please call me.

Sincerely,

Linda Bradley-Long

Linda Bradley-Long, Ph.D.
Staff Director, Higher Education Committee

208 House Office Building 904-488-3711 Tallahassee, Florida 32399-1300

be made only by permission of the department head and the dean of the college or school.

Grade Appeals System

The purpose of the grade appeals system is to afford an opportunity for an undergraduate or graduate student to appeal a grade the student feels was inequitably awarded, in that it involved a gross violation of the instructor's own specified grading standards, which the instructor has an obligation to announce at the beginning of the course. The student may appeal the grade in the following manner:

Step 1.

The student must approach the instructor in question to discuss the grade and attempt to resolve any differences. A student not in residence for the succeeding term or a resident student who is unable to resolve the differences with the instructor must file an appeal with the instructor's program or department chair, whichever is appropriate, within 60 days following the assignment of the disputed grade.

Step 2.

If still dissatisfied, the student may, after filing a written statement with the program or department chair explaining the basis for the appeal, appear before a board composed of three students nominated by the program or departmental student advisory committee or its counterpart. A negative decision by the board will end the appeal. A favorable decision will be referred to the departmental board described in step 3 (below). The student advisory board acts as a screening body and determines solely whether the appeal is consonant with the criteria indicated above. The student advisory board must be appointed and its decision made within three weeks of the time that the written statement has been filed with the program or department chair.

Step 3.

A department board comprising three faculty members and two students appointed by the chair must be selected for each case. The departmental board must be appointed and its decision made within three weeks of the time the student advisory board has reached a favorable decision on the grade appeal. A unanimous decision shall be final and binding on all parties concerned. A majority opinion may be appealed by the student or the faculty member to a college-wide board appointed by the dean of the college from nominees supplied by the faculty and student advisory committees respectively. The appeal from the decision of the departmental board must be made by the dissatisfied party within three weeks of the time that decision has been made. The college-wide board must be appointed and its decision made within three weeks of the time that the written appeal has been filed with the dean of the college. The majority decision of this college-wide appeal body shall be final and binding on all parties concerned.

Each committee and board is charged with hearing the instructor in question, if the instructor wishes.

Forgiveness Policy

The grade point average (GPA) is computed by dividing the number of graded hours attempted at The Florida State University into the total number of quality points earned at this University.

Under the forgiveness policy of the Faculty Senate, an undergraduate student (degree seeking) may improve The Florida State University GPA by repeating a course in which a grade of "D" or "F" was received and requesting that the repeat grade be the only one counted in the calculation. Only two such requests are available to any student during the student's undergraduate career. The repeat must be in the same course, taken at The Florida State University.

A student is required to submit to the Office of the University Registrar the signed form for grade forgiveness by the midterm date of that term in which the course is being repeated. At any time prior to that midterm date, the student may also submit a written request to cancel the signed form for grade forgiveness for that course, but no change will be allowed after the midterm date. Specific deadlines are published in the University's academic calendar for each term.

Note: this policy affects internal GPA calculations only. The policy does not alter the permanent record (all attempts for a given course and all grades remain on the transcript) and does not affect the GPA calculations of outside agencies or other institutions who will generally use both grades in their calculation of GPA.

Students may repeat courses in which they received a grade of "D" or "F" without using the forgiveness policy. Both the original and repeat grades will be used in the computation of GPA but credit for one attempt only will apply toward graduation.

A course taken on a letter-grade basis must be repeated on the same basis for the forgiveness policy to apply. A student will not be allowed additional credit and/or quality points for a course repeated in which the student originally made a "C-" or better unless the course is specifically designated as repeatable to allow additional credit. If a course listing is followed by an "r" it may be repeated regardless of the grade received, for the number of times or hours stated.

Graduate students should refer to the paragraph "Computation of Grade Averages" in the *Graduate Bulletin*.

Academic Retention

Students should obtain from their [illegible] dean or from the Office of the University Registrar a Retention Table indicating the necessary grade point average (GPA) on all [illegible] work taken at The Florida State University required for retention at the University. The Retention Table takes into consideration the number of semester hours the student has attempted and indicates the quality point deficiency which will place the student on academic warning, academic probation, or academic dismissal.

A minimum Florida State University GPA of 2.0 ("C") or better and an overall 2.0 GPA on all college-level work attempted is required for graduation. "College-level work" is interpreted to mean course work attempted for credit at the college level, not to include vocational, technical, or other courses not applicable toward a degree. Students should maintain at least this minimum at all times to be in good standing. To be retained in the University, a student must achieve an overall Florida State University average at the end of each term which, in the judgment of the University, is sufficiently near 2.0 to permit reaching the 2.0 average by the beginning of the junior year.

Warning

As an aid to students in the Division of Undergraduate Studies and lower-division attendance, and bachelor of fine arts (BFA) in theatre students (freshmen and sophomores), an "academic warning" will be included with grade reports at the end of the term if the cumulative average has fallen below 2.0 but not low enough to place the student on academic probation. A student will be dismissed if the student's average falls within the dismissal range after a term of academic warning.

Probation

When any student's grade point average (GPA) falls within the probationary range, the student will be placed on academic probation for one term. A student on probation must enroll for not less than twelve (12) and not more than fifteen (15) semester hours during the probationary term. If the student fails to remove the probationary status by the end of the term, the student will be dismissed.

Students whose averages were 2.0 or better, but whose averages within one term fall within the dismissal range, will be placed on probation for one term instead of receiving immediate academic dismissal.

Students on academic probation who do not enroll in a Florida public postsecondary institution (or in an accredited institution within or outside the state) and who receive an associate in arts degree with an overall 2.0 average will have the probationary status and their previous

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Proposed University of Florida Honor Code

Preamble: In adopting this Honor Code, the students of the University of Florida recognize that academic honesty and integrity are fundamental values of the University community. Students who enroll at the University commit to holding themselves and their peers to the high standard of honor required by the Honor Code. Any individual who becomes aware of a violation of the Honor Code is bound by honor to take corrective action. A student-run Honor Court and faculty support are crucial to the success of the Honor Code. The quality of a University of Florida education is dependent upon community acceptance and enforcement of the Honor Code.

The Honor Code: **We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity.**

On all written work done by students at the University of Florida, the following pledge is either required or implied:

"On my honor, I have neither given nor received unauthorized aid on this assignment."

in oral language skills shall be required to achieve a score of "220" on the Test of Spoken English (TSE) or "3" on the Foreign Service Institute Language Proficiency Interview (LPI) taken at the university upon arrival or in the country of origin in accordance with a special agreement between the university and the country of origin. Graduate students who score within the range of "190—210" on the TSE or who achieve a "2+" on the LPI shall be allowed to teach one semester while enrolled in appropriate English language instruction, beyond which time the score of "220" on the TSE or "3" on the LPI shall be required before the teaching assignment can be continued.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(m), 240.246 FS. History—New 4-16-84, Amended 8-11-85, Formerly 6C-6.091.

6C-6.010 Student Affairs.

(1) The university president shall establish rules and regulations governing student affairs.

(2) Each university shall compile and update annually a student handbook as provided in Section 240.2097(3), Florida Statutes.

Specific Authority 240.209(1), (3)(r), 240.2097 FS. Law Implemented 240.209(1), 240.227, 240.2097(3) FS. History—Formerly 6C-2.47, 11-18-70, Amended 7-25-73, Amended and Renumbered 12-17-74, Amended 1-10-78, 2-18-80, 8-11-85, Formerly 6C-6.10, Amended 4-9-87, 11-27-95.

ANNOTATIONS

Validity

Board of Regents properly exercised delegated legislative authority where it promulgated administrative chapters which provided that each educational institution publish and enforce rules of student conduct; university handbook setting forth student rights and responsibilities was upheld. Cohen v. Florida Board of Regents and Florida State University, DOAH, 75-1152R.

6C-6.0103 Student Government Associations.

(1) The purpose of this rule is to ensure fiscal responsibility and accountability in the allocation and expenditure of student activity and service fees by Student Government Associations, and it shall not limit the authority of Student Government Associations, as prescribed by statute.

(2) The Student Government Associations (SGA) of each university shall be organized and maintained by students as the official representative of the student body. The SGA is subject to all applicable rules of the university. The President of the university is responsible for the operations and administration of the university, including the Student Government Association.

(3) In accordance with subparagraph 240.235(1)(a)2., F.S., the Student Government Association is authorized to allocate and expend the student activity and service fees subject to the veto power of the university president. These fees shall be expended for lawful purposes to benefit the student body in general.

(4) Each university, in conjunction with the Student Government Association, shall establish rules that prescribe the accountability of the operations of Student Government Associations by:

(a) Providing for review and approval by appropriate university officials of all SGA purchases, contracts, expenditures, and disbursements to determine compliance with applicable laws and administrative rules.

(b) Requiring an SGA publication that outlines SGA policies and procedures regarding expenditures of A&S fees. This publication shall be updated periodically.

(c) Requiring training of SGA officers and appropriate university staff concerning university, Board and State applicable laws and administrative rules.

Specific Authority 240.209(1), (3)(q) FS. Law Implemented 240.209(1), 240.235(1)(a)2. FS. History—New 5-29-94, Amended 10-2-94.

6C-6.0105 Student Discipline.

(1) In furtherance of the educational mission of the universities, each university president shall establish university rules which shall insure due process to students and guarantee the academic integrity of the institution.

(2) Each university shall establish a Student Judicial System which shall include, at a minimum:

(a) Student membership on university hearing committees or courts;

(b) A written description of the penalties and sanctions which may be imposed on students for violation of the conduct code;

(c) A written description of the general procedures to be followed in the initial student disciplinary hearing which shall include a description of each step of the disciplinary process, resources available to the student for preparing his/her defense, and the availability of impartial advisers for the student;

(d) A written procedure for the disposition of emergency cases which involve the safety, health or general welfare of the student or the university;

(e) Acknowledgement that the burden of proof in disciplinary matters shall be on the complainant;

(f) Provision for the requirements as to burden of proof;

(g) Provision of a time limit for filing charges; and

(h) Provision for a record of the hearing.

(3) Each university shall publish a description of its Student Judicial System which shall be available and disseminated broadly to its students.

(4) The universities shall adhere to provisions of state and federal law requiring the confidentiality of records.

(5) The due process requirements contained in paragraph (6), below, shall be applicable in all cases involving student discipline, including matters concerning academic dishonesty.

(6) Due process as applied by the universities shall include, as a minimum, the following:

(a) The student shall be provided with written notice of the charges against him/her in sufficient detail and in sufficient time to prepare for a hearing before an appropriate committee or court, as established by each university, or before the appropriate university official;

(b) Each institution shall establish a minimum number of days in advance of the hearing to present the written notice of charges, but in no case will this notice be less than three days, except in cases of emergency as specified below;

(c) The student shall be entitled to a prompt hearing before an appropriate committee or court, as established by each university; or the student shall have the option to request adjudication of the matter by an appropriate university official designated by the university;

(d) The student may inspect the evidence which will be presented against him/her;

(e) The student may present evidence on his/her own behalf;

(f) The student may hear and question adverse witnesses;

(g) The student shall not be forced to present testimony which would be self-incriminating; however, the university is not required to postpone disciplinary proceedings pending the outcome of any criminal prosecution;

(h) The student may have an adviser of the student's choice present at the hearing;

(i) The decision of guilt or innocence on the charges shall be based solely on the evidence presented at the hearing;

(j) The decisions of any university committee or court, or of any university official, shall be presented to the student in writing and within a reasonable period of time following the hearing;

(k) The student may appeal the decision of any university committee or court, or of any university official, within a period specified by the university, to the president or the president's designee; and

(l) The student's status will remain unchanged pending the university's final decision in the matter, except where the president or president's designee determines that the safety, health or general welfare of the student or the university is involved. A student's enrollment status may be changed only in cases where the president or president's designee determines that an emergency exists, which affects the safety, health or general welfare of the student or the university.

(7) At the conclusion of the appeals process, the decision of the president or the president's designee shall be final.

(8) Each university shall include in its list of offenses those types of student misconduct occurring off-campus for which the student may be subject to discipline.

(9) Each university shall establish a committee for the periodic evaluation of the student judicial system. The committee shall include student members appointed by the student government president.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(m), 120.57(5) FS. History--New 2-18-85, Formerly 6C-6.105.

6C-6.011 Institutional Responsibility for Student Life and Student Organizations.

(1) Each university shall adopt rules and regulations governing student life and rules, regulations, and criteria for the establishment of student organizations. The Board encourages each university to develop means by which the student government can participate in the formulation of policies affecting academic and student affairs. The focus of these rules shall be to enhance the quality of life in the community and to establish and maintain an academic and social environment which embodies the highest ethical and moral standards, promotes the rights and dignity of all members of the University communities, and which encourages the development of individual potential in an atmosphere of academic freedom.

(2) The president shall establish the procedure for student appeals within the university on all matters in which the student feels aggrieved.

Specific Authority 240.209(1), (3)(m), 240.227 FS. Law Implemented 240.209(1), (3)(m), 240.227 FS. History—Formerly 6C-2.48, 11-18-70, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-6.11.
Cf. Rule 6C-6.0105.

ANNOTATIONS

Validity

Board of Regents properly exercised delegated legislative authority where it promulgated administrative chapters which provided that each educational institution publish and enforce rules of student conduct; university handbook setting forth student rights and responsibilities was upheld. Cohen v. Florida Board of Regents and Florida State University, DOAH, 75-1152R.

6C-6.0115 Observance of Religious Holy Days.

(1) Each university shall adopt a policy on the observance of religious holy days in accordance with these minimum requirements and the requirements of Section 240.134, Florida Statutes.

(2) A student who wishes to observe a religious holy day of his or her religious faith will notify all of his or her instructors and be excused from class to observe the religious holy day.

(3) The student will be held responsible for any material covered during the excused absence, but will be permitted a reasonable amount of time to make up any work missed. Where practicable, major examinations, major assignments, and university ceremonies will not be scheduled on a major religious holy day.

(4) Students who are absent from academic or social activities because of religious observances will not be penalized.

(5) Each university shall provide a procedure for students to seek redress in cases where the students believe they have been denied educational benefits because of their religious belief or practice.

(6) The policy on the observance of religious holy days and the applicable procedure shall be included in the student handbook, university catalogue, or other material regularly distributed to university students and faculty members.

Specific Authority 240.209(1), (3)(o), 240.134 FS. Law Implemented 240.209(1), (3)(o), 240.134 FS. History—New 3-29-89.

6C-6.012 Student Freedom and Responsibility.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(m) FS. History—Formerly 6C-2.49, 11-18-70, Amended 7-6-72, 7-8-74, Amended

POSTSECONDARY PLANNING COMMISSION
RECOMMENDATIONS: January 1, 1996 Report

COURSE WITHDRAWAL AND FORGIVENESS POLICIES

1. **The State University System and the State Board of Community Colleges should review their forgiveness, withdrawal and incomplete grading policies to ensure that reasonable limits are in place to protect the academic integrity of the grading system and ensure a fundamental fairness to all students. Specific areas that should be considered include:**

   a) reasonable limitations on the number of times such policies can be used over a student's academic career;
   b) limiting the grades that can be forgiven to a D or F grade;
   c) the potential for abuse when forgiveness, withdrawal and incomplete grading are applied in combination; and
   d) examining the potential for uneven application of such grading policies due to faculty or administrative discretion.

2. **The State University System and the State Board for Community Colleges in conjunction with the Florida Automated System for Transfer of Educational Records (FASTER) should establish guidelines to ensure a consistent recording of student course forgiveness, withdrawal and incomplete grading information.**

3. **The Postsecondary Education Planning Commission, in conjunction with the sector boards, should conduct a review of the status of the recommendations contained in the performance audit of the Statewide Common Course Numbering System. Specific attention should be given to any identified discrepancies in the course numbering inventory.**

4. **Students who enroll in the same course for a fourth time as a result of withdrawal, forgiveness, incomplete grading policies or failure should bear the direct instructional costs for their enrollment in the course and the FTE generated should not be reported for funding purposes. Students who withdraw from a course under major extenuating circumstances may be granted an exception as states in 6A-10.0315(12), F.A.C.**

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